

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROSALINDA RAMOS, an individual,

Plaintiff,

v.

TACOMA COMMUNITY COLLEGE, a
municipal corporation in the State of
Washington; MARLENE BOSANKO, an
individual; and BRUCE SYDOW, an individual,

Defendants.

Case No. C06-5241 FDB

ORDER DENYING MOTION TO
EXPEDITE TRIAL DATE

This matter comes before the Court on Plaintiff's motion to expedite the trial date. Trial is presently set for September 4, 2007. Plaintiff basis the request for an expedited trial date is the assertion that because this matter was initially commenced in state court, there is a limited amount of discovery to complete. Plaintiff asserts that she is "greatly prejudiced by the delay because [her] witnesses's memory will no longer be as fresh and/or they will be scattered around the country." Plaintiff further asserts she is prejudiced financially and emotionally by the delay.

The Defendants oppose the motion on the basis that any inconvenience to Plaintiff has resulted form her own decision to voluntary nonsuit the state court action and refile in this Court. Defense counsel further asserts that an earlier setting will prejudice Defendants counsel's ability to

1 defend , as counsel has a full calender of trials preceding this trial date.

2 This Court also has a full schedule. Taking into consideration the parties joint status report
3 and the length of trial, this matter is set for the first available date in the Courts schedule. Plaintiff's
4 complaints of prejudice are no different than those that may generally be argued by any litigant in any
5 civil litigation. Further, it does appear that Plaintiff is the cause of some of the complained of delay.
6 The action was commenced in state court in April, 2005 and set for trial in May 2006. It was not
7 until a year had lapsed and just before the scheduled trial date that Plaintiff took a nonsuit and refiled
8 the action in this Court.


9 Based upon the foregoing the Court finds there is no just cause to expedite the scheduled trial
10 date.

11 ACCORDINGLY,

12 IT IS ORDERED:

13 Plaintiff's Motion to Expedite Trial Date [Dkt #21] is **DENIED**.

14 DATED this 27th day of November, 2006.

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19 FRANKLIN D. BURGESS
20 UNITED STATES DISTRICT JUDGE
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